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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,760	10/10/2006	Kai Beilenhoff	C1241/21210	3822
3000 7590 09/23/2008 CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOV, LTD. 11TH FLOOR, SEVEN PENN CENTER 1635 MARKET STREET PHILADELPHIA, PA 19103-2212				
EXAMINER				
STERLING, AMY JO				
ART UNIT		PAPER NUMBER		
3632				
NOTIFICATION DATE		DELIVERY MODE		
09/23/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@crbcp.com

Office Action Summary

Application No.

10/599,760

Applicant(s)

BEILENHOF ET AL.

Examiner

AMY J. STERLING

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29, 30 and 35 is/are rejected.
- 7) ☒ Claim(s) 31-34, 36-41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is a non-final Office Action for application number 10/559,760 ADAPTER FOR ATTACHING AN ELECTRONIC SHELF LABEL TO A BLISTER HOOK, filed on 10/10/06 . Claims 29-42 are pending. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/10/08 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 35-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 35 recites "and whose crossbar" and it is unclear as to which element "whose" is referring to.

Claim Rejections - 35 USC § 102

Claims 29, 30 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 6279256 to Norolof et al.

The patent to Norolof et al. discloses an adapter for attaching an electronic shelf label to a blister hook, the adapter comprising a housing (13, 15) into which the shelf label is insertable or is inserted, and a suspension device (See Figure 7a) for the pivotal mounting of the housing on a cross-strut provided on the free end of a cantilever of the blister hook, wherein the suspension device is a yoke (both sides 272) that is connected to the housing and has formed thereon at least two sleeves (217) and a connecting web (245) formed between them which in open condition has a free end that is adapted to be placed around the cross-strut and to be snap-locked onto the yoke, wherein an opening (275) is provided between the at least one pliable sleeve and extends as far as to a connecting web, wherein the yoke is constructed in the manner of a fork having prongs (272) which are connected to the housing and whose crossbar is connected to the at least one pliable sleeve.

Response to Arguments

The applicant's arguments have been considered. The same art reference has been used in the rejection above, but the rejection has been substantially changed so that the arguments previously argued are moot. More allowable subject matter has been shown below.

Allowable Subject Matter

Claims 31-34 and 36-41 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The reason is that the prior art does not teach wherein the at least one pliable sleeve has on its free end a hook adapted for locking engagement with a mating hook on the yoke and, wherein the prongs each have on their inner side a projecting, mushroom-shaped bearing trunnion and wherein the housing has on its inner side adjacent to the cross-strut of the cantilever two short bars extending in parallel with the longitudinal direction of the cantilever, behind which an upper rib of the shelf label is adapted to lock into place.

Conclusion

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal amendments only). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

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/Amy J. Sterling/
Primary Examiner
9/20/08